

May 18, 2022

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
By: NM  
Deputy

**Cause No: SA:22-CR-00251-FB**

**UNITED STATES OF AMERICA**

**Plaintiff**

v

**KEVIN DELAGARZA**

**Defendant**

**INDICTMENT**

**COUNT 1: 18 U.S.C. §13 assimilating  
Texas Penal Code §§49.04(a) & 49.09(b)(2)  
Driving While Intoxicated- 3rd or more**

THE GRAND JURY CHARGES:

**COUNT ONE**

**[18 U.S.C. §13 assimilating Texas Penal Code §§49.04(a) & 49.09(b)(2)]**

On or about December 8, 2021, on Joint Base San Antonio- Fort Sam Houston, Texas, in the Western District of Texas, and within the special maritime and territorial jurisdiction of the United States, the Defendant,

**KEVIN DELAGARZA**

did then and there operate a motor vehicle in a public place while said defendant was intoxicated, to wit: by not having the normal use of his mental and physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body;

And it is further presented that prior to the commission of the aforesaid offense, on May 29, 2014, in cause number 2013CR7993 in the 186th District Court of Bexar County, Texas, the defendant was convicted of an offense relating to the operating of a motor vehicle while intoxicated, to wit: Driving While Intoxicated- 3rd.

And it is further presented that prior to the commission of the aforesaid offense, on February 14, 2013 (offense date May 9, 2012), in cause number 392066 in the County Court at Law No. CC15, Bexar County, Texas, the defendant was convicted of an offense relating to the operating of a motor vehicle while intoxicated, to wit: Driving While Intoxicated- 2D.

And it is further presented that prior to the commission of the aforesaid offense, on May 3, 2006 (offense date December 29, 2004), in cause number 910431 in the County Court at Law No. CC8, Bexar County, Texas, the defendant was convicted of an offense relating to the operating of a motor vehicle while intoxicated, to wit: Driving While Intoxicated-Open Can.

All in violation of Title 18, United States Code, Section 13 assimilating Texas Penal Code Sections 49.04(a) & 49.09(b)(2).

A TRUE BILL

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FOREPERSON OF THE GRAND JURY

ASHLEY C. HOFF  
UNITED STATES ATTORNEY

BY:



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FOR JESSE BOLANOS  
Special Assistant United States Attorney